

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

JOSEPH MUNDY, v. LIFE INSURANCE COMPANY OF NORTH AMERICA, <i>et al.</i> ,	Plaintiff, Defendants.	Case No. 08-cv-01576 Hon. Elaine E. Bucklo
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DEFENDANT YELLOW TRANSPORTATION, INC.'S MOTION TO DISMISS

Defendant Yellow Transportation, Inc. moves under Fed. R. Civ. P. 12(b)(1) to dismiss the breach of contract claim asserted in Count I of Plaintiff Joseph Mundy's Amended Complaint, as the Court lacks original subject matter jurisdiction over this claim, and should decline to exercise supplemental jurisdiction under 28 U.S.C. § 1337. In support of its Motion, Yellow submits the accompanying Memorandum of Law and the exhibits attached thereto.

Respectfully submitted,

YELLOW TRANSPORTATION COMPANY,
INC.

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Dated: June 17, 2008

CERTIFICATE OF SERVICE

The undersigned, an attorney, hereby states that a true and correct copy of the foregoing **DEFENDANT YELLOW TRANSPORTATION, INC.'S MOTION TO DISMISS**, has been filed with the Clerk of the Court using the CM/ECF system on this 17th day of June, 2008, which will send notification to the following counsel of record:

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